



THE CITY OF NEW YORK
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September 12, 2016

BY E-MAIL

Honorable James Orenstein
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Rodney Marshall v. City of New York, et al.
14-CV-6096 (PKC) (JO)

Your Honor:

I am the Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter. Defendants write, in accordance with the Court's Order dated September 9, 2016 to report that they have produced approximately 1,300 pages of disciplinary documents requested by plaintiff. Despite the undersigned's diligent efforts, we were unable to obtain two of the files requested.¹ Defendants have followed up about these requests and apologize to the Court for being unable to obtain these records by today. Because defendants have, and continue to work diligently to obtain these records as quickly as possible, defendants do not believe that sanctions would be warranted. We anticipate receiving these records in the near future and will produce them as soon as they are available. Defendants therefore respectfully request additional time in which to produce these documents.

Finally, there were certain documents requested by plaintiff that defendants, on August 4, 2016, informed plaintiff that they would not be producing and/or that we would be

¹ A third document relating to one of the requests was only discovered this evening to pertain to a different officer than the one for whom the record was requested. Defendants have already followed up about this and anticipate receiving this document shortly.

looking into because they were not (or did not appear on their face to be) similar in nature to the allegations made in the complaint and/or did not involve false statements. On Friday, September 9, 2016, plaintiff's counsel informed the undersigned for the first time that he did not agree with this assessment. Therefore, the parties are in discussions to see if they can resolve this issue without the Court's intervention. Indeed, the parties have already begun to resolve some of the disputes, and defendants have agreed to produce some of the records.

Defendants thank the Court for its time and consideration of their request.

Respectfully submitted,

/s

Shira Siskind
Assistant Corporation Counsel
Special Federal Litigation Division